WP(C) 6104/2001

BEFORE

HON'BLR MR. JUSTICE B.K. SHARMA.

Heard Mr. S. Medhi, learned counsel for the petitioners as well as Ms R. Chakraborty, learned State counsel.

This writ petition was filed in the year 2001 for a direction to the respondents to set aside and quash the impugned action on the part of the respondents in demarcating the boundaries of Borkhetri Revenue Circle and Palashbari Revenue Circle effected in July, 2001. Apart from the fact that the demarcation of boundaries etc. is the administrative action and naturally, founded on fact situation involved in the area, the petitioners also filed another writ petition being W.P. (C) No.8053/2005 with the same very prayer. The petitioner Md. Ismail Ali, son of Dhan Bepari in this writ petition has sworn the affidavit in the second writ petition. However, in the second writ petition, there is no mention of the present writ petition. Thus, there is suppression of material fact on the part of the petitioner, who has sworn the affidavit in the second writ petition.

Demarcation of boundaries etc. is the policy decision of the Government. The writ Court exercising its writ jurisdiction is not in a position to issue any direction. Further, this Court had the occasion to decide the issue in another proceeding namely, W.P. (C) No.1835/2005 (Md. Rabban Ali and others v. State of Assam and others). In the said writ petition, the issue relating to demarcation etc.has been set at rest by judgment and order dated 9.3.2005. Incidentally, in the said writ petition also, the present petitioners were the petitioners. Thus, it is a case of filing of wit petitions, one after another just to thwart the process of law.

The Registry may take measures to avoid filing of the successive writ petitions by the petitioners, suppressing the fact of filing the earlier writ petitions. The writ petition is dismissed.